IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 186/2007

(Indra Devi V/s State of Rajasthan)

Date of Order : 11/07/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

None present for the petitioner.

BY THE COURT:-

No one appears for the petitioner.

By the instant criminal misc. petition under Section 482 Cr.P.C. the petitioner has challenged the order dated 18.1.2007 passed by Judicial Magistrate No.4, Jodhpur (for short 'the trial court' hereinafter) whereby the application filed by the petitioner to add the offence under Section 307 IPC in FIR No.01/2007 and investigate. The trial court by the order impugned came to the conclusion that the Court has no such jurisdiction to encroach upon the field of the investigation by the police.

It is settled law that the investigation is the domain of the police and the cognizance is exclusively within the

jurisdiction of the Magistrate. The FIR has been registered for the offences under Sections 341, 323 and 325 IPC at Police Station, Basni and the matter is under investigation. The petition seeks a direction to the police to add the offence under Section 307 IPC and investigate. In my view, the trial court was justified in dismissing the application as it is beyond the domain of the trial court to interfere in the investigation when the matter has never been placed before the Court.

The criminal misc. petition has no force and it is, therefore, dismissed.

(H.R.PANWAR),J.

rp